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Bulletin

Title: Accepting Utility Rebates and Recycling Proceeds
(ARS Specific)

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This Bulletin identifies the requirements and procedures for accepting incentives or rebates from utilities for energy saving projects and the proceeds from the sale of recycling.

Accepting Utility Rebates and Recycling Proceeds

1. Purpose

Energy/water efficient design, energy savings upgrades, and recycling are important aspects of being sustainable and are required by Executive Orders (E.O.) 13423 and 13514, EPACT 2005, and EISA. E.O. 13514 requires diversion of 50 percent of nonhazardous waste by 2015. E.O. 13514 also requires that 15 percent of Federal facilities be sustainable by 2015. Utility companies often offer rebates or incentives to their customers to increase energy efficiency, conserve water, or manage electricity demand (including demand response). Application for and acceptance of these rebates and incentives is encouraged.

Any utility rebate or incentive will be distributed as follows: 50 percent of these funds shall be deposited in the General Fund of the Treasury and 50 percent of the funds will be retained by the Agency (at Headquarters) and redistributed at the Agricultural Research Service (ARS) Administrator's discretion for additional energy efficiency or water conservation projects or activities. These rebates and incentives are good until expended (no year funds).

All proceeds from ARS managed sales of recycled material may be retained by the Area, and used for recycling and waste prevention projects. The recycling proceeds are also good until expended (no year funds).

2. Accounting Procedures

ARS shall apply for and accept any available rebates or incentives from utilities or other entities. Payment may take the form of a check or a third party payment.

The following guidance is provided for payments received in the form of a check or third party payment:

- A. Utility Rebates or Incentives – The check should note that it is for a Utility Rebate/Incentive and then be forwarded to the Fiscal Operations Branch at the following address:

ARS, AFM, Financial Management Division
Fiscal Operations Branch
5601 Sunnyside Avenue, Mail Stop 5113
Room 3-2206
Beltsville, MD 20705-5113

B. Recycling Proceeds

1. Administrative Officer/Technician (AO/T):

ARIS – Enter Incoming Agreements Form, Authorization To Apply For and Use Funds From Outside Sources. Standard information is listed below:

- Source of Funds: 5177
- Type of Agreement: Trust
- Purpose of Funds: Services Only Type of Service
- Start/End Dates: Since these are no year funds, this should be set for the maximum term of 5 years
- Remarks: State purpose for collection: e.g., recycling
- Indirect Program Support Cost (IPSC): is not assessed for recycling proceeds.

CRIS Allocation Tracking System (CATS): Establish records and perform funds control for the account(s).

2. Area Budget & Fiscal Officers (ABFO):

- FMMI – Establish the X89 shorthand code
- Deposit of Collected User Fees – Upon receipt of check or money order, prepare a Lockbox Deposit Slip for the deposit. The Budget Object Class for the Collection is 0202
- Purpose of Funds: Services Only Type of Service
- Start/End Dates: Since these are no year funds, this should be set for the maximum term of 5 years
- Recycling Rebates – Credit 100 percent of the proceeds/rebate to the rebate account. FMMI – Create an AR Document
- ARIS – After the funds are deposited, enter the receipt of funds on the Budget Page of the Incoming Agreements Form

Agencies selling material and expendable property to a recycler may retain all sales proceeds as no year funds for use in programs such as recycling and “other employee programs” specified in Public Law No: 111-117. Federal Management Regulation, 41 CFR Part 102-38.295 provides that Federal agencies may retain all sales proceeds from the sale of “property related to waste prevention and recycling programs.” Spent toner cartridges could also be sold under the Exchange/Sale authority provided in FMR 102-39.50. Proceeds from sales of recycling can be used for acquisition, waste reduction and prevention, and recycling programs as described in E.O. 13423, as well as the development and implementation of hazardous waste management and pollution prevention programs.

3. Authorities and Resources

The Energy Policy Act of 2005 (EPACT 2005) - http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=109_cong_public_laws&docid=f:publ058.109

The Energy Independence and Security Act (EISA) of 2007 - http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=110_cong_bills&docid=f:h6enr.txt.pdf

Executive Order 13514 - <http://edocket.access.gpo.gov/2009/pdf/E9-24518.pdf>.

Executive Order 13423 - <http://www.wbdg.org/ccb/FED/FMEO/eo13423.pdf>.

Pub. L. 104-52, § 625, 42 U.S.C. 8256 note - <http://codes.lp.findlaw.com/uscode/42/91/III/B/8256>

GAO opinion: *SEC – Retention of Rebate Resulting from Participation in Energy Savings Program*, B-265734 (Feb. 13, 1996) - <http://archive.gao.gov/legald426p2/156296.pdf>

ARS Facilities Design Standards P&P 242.1, Section 6.1.5 - <http://www.afm.ars.usda.gov/ppweb/pdf/242-01m.pdf>

41 CFR Part 102-38.295 - <http://www.dm.usda.gov/property/part10238.pdf>.

FMR 102-39.50 - <http://www.dm.usda.gov/property/part10239.pdf>.

Public Law No: 111-117 - http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=111_cong_bills&docid=f:h3288enr.txt.pdf

Database of State Incentives for Renewables and Efficiency - <http://www.dsireusa.org/>

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